THE FOLLOWING DOCUMENTS

They relate to a Horse Race; and the motives of conceiving and printing them, is not a presumption that they can, in themselves, afford any interest; but merely, that they may serve to elucidate some transactions which occured a few days since the circumstance which originated them took place, and in which my name has been a good deal mixed up.

The race alluded to took place on the 17th ult. between the Horses of Mr. Rutter and Mr. Yarker, which were ridden—the former by Mr. James Matthew Prior, of the Ordnance Department, and the latter by James Jameson, a Negro boy.

I, THOMAS SMITH, of Kingston, Hatter, declare that I saw the race which took place between Mr. Yarker's horse ridden by Mr. Prior and Mr. Rutter's horse ridden by a coloured boy, and that, when the horses were coming to about the distance post, I saw, when the black boy was attempting to pass Mr. Prior, the latter threw his horse against the boy's horse, and in consequence of [illegible] the boy was thrown off his horse, and in attempting to recover himself, he struck his whip over Mr. Prior's head, and his whip came in contact with the boy's breast, and by these means, Mr. Prior got a stronger position than the boy, and, in consequence, passed the boy's horse. He succeeded in winning the race, and, according to [illegible] which, I verily believe, he would not have done [illegible]

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stretch out his arm before the other horse in the second heat, apparently to keep him back.

I do further declare, that I have no interest whatever in making this statement, which I am ready to verify on oath, if required to do so.

THOMAS SMITH.

I, RICHARD ELLERBECK, of the Township of Kingston, Farmer, do declare that I witnessed the race run on the 17th of last month, between Mr. Rutter's and Mr. Yarker's horses, and having read a certificate of the transaction which took place in the latter part of the last heat, signed by Thomas Smith, Hatter, of Kingston, I further declare, that all which the said Smith states therein, came under my observation, except what is said of the second heat. And I also do not hesitate to declare, that Mr. Prior prevented the black boy from winning by unfair means. I also declare, that I have not, nor ever had, any interest in the said race.

RICHARD ELLERBECK.

Kingston, Dec. 9, 1830.

I was at the Kingston Races on the 17th of November inst. and saw the race between Mr. Yarker and Mr. Rutter's horses, and on the third heat I saw the rider of Mr. Yarker's horse throw out his left hand several times, I believed for the purpose of stopping Mr. Rutter's horse; and I once saw him put out his hand and attempt to take hold of the black boy's arm or bridle; and it was my opinion at the time, and now is, that he succeeded in the attempt, and by that means the heat was lost.

G. S. SACKET.

Cape Vincent, Nov. 20th, 1830.

The above statement I make voluntarily for the gratification of all concerned, as I had no interest in the event of the race.

G. S. S.

I, TIMOTHY M'GUIRE, do declare that I was present at the late race between the horses of Messrs. Yarker and Rutter, and that, in the second heat I observed Mr. Prior, who rode Mr. Yarker's horse, stretch out his left hand towards the rider of the other horse, but do not know whether he touched him. During the last heat when near the distance post, I saw Mr. Prior working his bridle arm towards the boy who rode Mr. Rutter's horse, and strike him repeatedly with his elbow; and that Mr. Prior did direct the course of his horse against that rode by the boy in such a manner as to drive him towards the left side of the course.

I further declare, that I have won by the decision of the Stewards the sum of Five Pounds Ten Shillings, currency.

December 9th 1830. TIMOTHY M'GUIRE.

I was present at the race which took place between Mr. Parker's horse, rode by Mr. Prior, and the horse known as Mr. Thomas's, rode by a coloured boy, and I saw when the coloured boy attempted to pass Mr. Prior, on the outside about this distance past (third heat) the latter hauled his horse against Mr. Thomas's, at the same time using his elbow in such a manner as prevented the coloured boy from passing him, which, in my opinion, he would have done had Mr. Prior not done so.

I have no hesitation whatever in making this statement, which I have done at the request of a Gentleman to state the facts as I saw them.

JAMES R. BENSON.

I WILLIAM ELLERBECK, of the Township of Kingston, Farmer, do declare that I saw the race run on the 17th of November last, between Mr. Parker's horse, rode by Mr. Prior, and Mr. Thomas's horse rode by a negro lad, and that in the second heat I saw Mr. Prior put out his arm before the boy as if to keep him back. Also, that coming in in the third heat, between the winning and distance post, I saw Mr. Prior, when the boy was endeavoring to pass him, rein his horse against the other, and force him off his direct course, whilst at the same time he leaned his body before the boy who was outside, and worked his arm against him by such a manner as to keep him back.

WILLIAM ELLERBECK.

Kingston, Dec. 18th, 1830.

I was at the race run by Messrs. Rutter and Parker's horses on the Kingston course a short time since. In the second and third heats, was in company with Mr. Thomas. We stood near the distance post. I saw Mr. Pryor in the last heat, strike the black boy repeatedly in the breast with his left arm and reined his horse on the horse the black boy was riding which put him some distance from his regular course; had Mr. Pryor, kept his proper course from the distance to the winning post, I have no hesitation in saying that Mr. Rutter's horse would have won the last heat with ease.

CHARLES WRIGHT.

Kingston December 18th 1830.

THE DEPOSITIONS AND STATEMENTS OF PERSONS WHO WERE EXAMINED AT THE MEETING OF THE STEWARDS.

Brockville, 14th December, 1839.

Dear Sir,

Yesterday I received your communication wishing me my statement in writing of the manner in which the race was conducted at the Kingston Course on the 17th November. At a meeting of the Stewards of the 18th, I made a full statement of what I saw, but felt that should have been misconstrued by the Secretary of the meeting, I acted not the following, which you have my leave to exhibit and you may think proper.

I affirm that I was present during the whole of the race, and stood within thirty feet of the course upon the outside, about eight rods towards the distance post, from the Judges stand; so that I had a fair view of the horses as they came to the end of each heat. In the last forty or fifty rods of the third heat, the coloured boy, who had been some distance behind Mr. Prior, came up with his horse on the outside of the other, and gained upon him until they were side by side and nearly abreast; when Mr. Prior reined his horse against the other and jostled the boy, and with his left arm struck heavily upon the boy's bridle arm. This was done repeatedly during the last part of the third heat, and it was evident to me that it checked very materially the speed of the Phinny horse, and gave Mr. Prior the advantage.

A gentleman present remarked to me that he saw unfair play after the starting in the second heat. I saw nothing of it; for my position was such that the Judge's stand obstructed my view of a few rods at the commencement of each heat.

I also state, that I was not, in the least, interested in the race. I had nothing at stake upon either of the horses, and I do not remember of ever having seen either of them previous to the race.

With much respect I am, dear Sir,

Your Obedient Servant,

SAM. WOOD.

Dr. J. Sampson,

Kingston, U. C.

I saw the race between Mr. Parker's horse and Mr. Phinny's. I saw nothing unfair in the third heat. I stood fifteen or twenty yards from the winning post, inside. I saw the horses coming up close together, and Mr. Parker's rider leaning his body over and working with his left arm appa-

rently to hinder the other from passing; and by the attitude he was in must have touched or shoved the other rider back, and at the same time forcing Fleay's horse half way across the course from the winning post. If this interference had not taken place, and Mr. Yarker's rider had kept his course, and not have leaned from the winning post, the other must have won the race. I had no bet on the race, except a glass of grog on Mr. Yarker's horse.

JOHN BUTTERWORTH.

Kingston, Dec. 1830.

Kingston, 18th December, 1830.

Doctor Sampson,

Sir—The object of this communication, made at your particular request, is to correct some inaccuracies, and to supply the omissions in the statement attributed to me in a report of "the proceedings connected with the late Kingston race." I cannot better do this than by recapitulating what I did state to the meeting alluded to.

I attended the meeting at your request; and being "called" by you, Mr. Thomson asked, "Were you at the race on the 17th?" "I was (unfortunately)." "Did you see any thing unfair in the race?" "As I am entirely ignorant of the rules of horse-racing I cannot say whether what I saw was unfair or not; but I will simply state what I saw." In the first or second heat—I did not note which—I think the first—Mr. Prior suddenly cut his left arm across the black boy, soon after the horses started. In the last heat, between the distance and the winning posts I saw the riders interfering with each other in some way which I could not well comprehend. When I first observed it, one arm of each appeared to be stretched out across the body of the other—with what intention I cannot say. Near the winning post, Mr. Prior's left arm was in continual and violent motion, and was frequently in front of the black boy's body. I could not see from the position I was in, whether Mr. Prior touched the boy or not.

Mr. Thomson—"Where did you stand?" "In the spectators' stand, opposite the judges."

Doctor Sampson—"Did Mr. Prior let go his reins?" "I don't know."

Mr. Yarker—"How far were you from the winning post?" "Directly opposite to it."

Mr. Thomson—"Had you any bets on the race." "I had no other interest in the race than a desire to see Mr. Yarker's horse win."

Although I would much rather avoid all interference in the matter of the

race, yet, being satisfied with your reasons for requesting me to explain my opinions of what I saw, I will do so in a few words. I think (laying aside the question of unfairness) that if Mr. Prior had kept his horse in the usual track, and had not ridden against the black boy, by [illegible] his rider's fore quarters over upon the line on which the boy's horse was running (the doing of which I suppose occasioned those violent motions of his arms which must have impeded the other horse,) I say I think the black boy would unquestionably have won the race.

THOMAS HERBERT.

I do hereby certify that I have been present at the late race between Messrs. Yarker and Rutter's horses, and that in the last heat, about between the distance and winning posts, I saw Mr. Prior incline his horse towards Rutter's horse until he came in contact, and then with his left arm with great violence against the boy who rode on Rutter's horse, by which means he forced the boy and horse out of the regular course, and greatly retarded his speed.

JAMES LYNCH.

December 9th, 1830.

What I saw of the race between Mr. Rutter's horse and Mr. Yarker's, in the second heat Mr. Prior put out his left arm I think for the purpose of impeding his speed, and kept in that position for some distance. In the third heat, between the distance and winning posts, when Mr. Rutter's horse came alongside of Mr. Prior, and he keeping close on possession of him, Mr. Prior did actually ride against him in such a way as to force him a great way out of his direct course, throwing his body before him at the same time, and working against him also.

WM. CHESNUTT.

I was at the race between Mr. Yarker's and Mr. Rutter's horses, on the 17th of last month. In the second heat I saw Mr. Prior put out his arm before the other rider as if to keep him back. In the last heat when Mr. Rutter's horse had come alongside of the other horse between the distance and the winning post, Mr. Prior, with his horse reined against the other, and shoved him off his course at least from ten to twelve feet, at the same time using his right hand with his bridle, and constantly keeping the boy back his left elbow by knocking it against his arm or body.

Kingston, December 17th, 1830. JOHN WALLACE.

Sir—I have examined the statement made by me before the Stewards in the pamphlet published by them, and find they have not published the

whole of my testimony. I stated that Mr. Prior took the black boy by the collar or coat and held him for some distance, which in my opinion prevented the horse of Mr. Parker from winning the last heat. I also stated that Mr. Prior struck the black boy several times in the breast with his left arm in the last heat, between the distance and winning post, and also reined his horse on the horse the black boy was riding, which put his horse some distance from his regular course.

WM. VANALSTINE.

December 22, 1836.

I, HENRY DAVIS, of the Township of Kingston, Butcher, do declare that I saw the race between Mr. Yarker's horse and Mr. Phinny's, on the 17th November; that I saw Mr. Prior put out his left arm in the 2d heat, before the black boy, or his horse, soon after they started; and in the third heat, between the distance and winning post, I saw the black boy on coming up to Mr. Prior, endeavoured to pass Mr. Prior who reined his horse's head before the other, so that the boy could not get past. When this began the horses were near the inside of the course, with the black boy outside; but in a short time Mr. Prior had worked against the other in such a way as to bring them a considerable distance towards the outside of the course by the time they came opposite the winning post.

HENRY DAVIS.

WHAT is declared in the foregoing statements came within my own immediate observation to the fullest extent; and while the Stewards were yet in the stand, I rode up and told them that I had seen unfair play, and requested them to reconsider a judgment, which I understood they had given in favor of Mr. Yarker's horse. These gentlemen did not see fit to alter their decision, and I withdrew.

The next day, the 18th, I did not hesitate to state to any person whom I happened to converse with on the subject, what I had seen; and on the 19th Mr. Cruttenden, who had been one of the Stewards, came to me in the street, he said from Mr. Prior, and asked me, if it was what I had said of the race, "I meant any reflections on Mr. Prior's character as a gentleman." To which I replied, that when I spoke of the race, I never contemplated Mr. P. in any other light than as the rider of it, and in that capacity alone did I view him. In about half an hour afterwards, I was again accosted by Mr. C. who said that the particular expression Mr. P. took exception to was, my having said, that it was "the *most unfair* race I had ever seen." I replied

that I did not recollect these exact words, but that I was ready to ratify them, with the same qualifications I had before given; maintaining at the same time my unquestionable right to declare facts which came under my observation in connexion with discussions in a public place of resort. Mr. C. again retired, as he said, to take my opinion on this point, and on the afternoon, he came to me a third time, while I was in company with Mr. Babcock (to whom I had taken the precaution of attaching myself all the remainder of that day, in order that he might be present at Mr. C's interview with me) and said that he had taken the opinion of three gentlemen, whose names he did "not hesitate to mention," viz. Mr. Thomson, Mr. Mechlenburg, and Mr. Gray, and who were of opinion, that in the present case, the Directors of Jockey and Gentleman could not be superseded. To which I replied, that I could not help the opinions of others—that I had consulted several of my friends also, by whose advice I had been governed, and that it was their conviction, I was not amenable to Mr. Prior, unless I had done him an injustice, which I denied; but that if he required any further satisfaction than what I considered I had amply given him, I should take their further advice as to what steps to pursue. Mr. C. now withdrew, after stating that he was sorry he had had any thing to do in the matter.

As the stakes had not been given up, the Stewards were induced to meet on the evening of the 19th to reconsider their former judgment; and as I understood that some persons had been industrious in making it appear that I had made a groundless charge against Mr. Prior, I attended their meeting, and put questions to persons examined, in order to elicit enough to justify the assertion I had made. The Stewards confirmed their former opinion, after adjourning to the 23d; but I gained the only object I could possibly have in the examination—namely, to demonstrate to some friends whom I wished to be present, as well to all impartial persons, that I had done nobody a wanton piece of injustice. This being accomplished, I cared not one farthing how the decision might go.

On the morning of the 24th Mr. Cruttenden came to me again, and said, Mr. Prior hoped, as the Stewards had finally decided the case to be fair, he still would now have no objection to withdraw what I had said. I replied, that this was impossible, for my private opinion was still the same; and that my friends who had heard the examination were also fully convinced of its correctness: but, I added, that all I could do I had done, inasmuch as I had bowed to the decision of the Stewards in paying the small bets, I had

made; Mr. C. went away, and returned again some hours afterwards, with a written paper, to the purport that I "now considered the race fair," the Stewards having declared it so; which he said Mr. P. wished me to sign; at the same time observing, that he had told Mr. Prior, he knew I would not do so. He now withdrew for the last time, after begging of me to use my influence in putting a stop to the excitement the business had produced; and after having observed the same courteous and very civil demeanor, from which, in all his interviews with me, he had never deviated.

I now thought the affair had terminated, and for some weeks heard little about it; when on the 7th instant, the following manuscript paper was discovered, and put into my hands by a friend; who ascertained that it was at first shewn about amongst a *few* only, but had been issued so far back as the afternoon of the 19th ult. shortly after Mr. Cruttenden's interview with Mr. Briscoe and myself; and a few hours before the meeting of the Stewards.

Being called upon by Mr. Prior to wait on Dr. Sampson, for an explanation of expressions made use of by the latter, in that he Mr. Prior, rode a race between Mr. Yarker's horse and Mr. Rutter's unfairly. I waited on Dr. S. and his answer was, I conceive that I can give any opinion of Mr. Prior, as a jockey, without affecting his character as a gentleman, and that I am not bound to give any satisfaction for any opinion that I may offer, or any assertion I may make under these circumstances. I left Dr. S. and took the opinion of three gentlemen in town upon the following point, whether the remarks made upon Mr. Prior, as a rider, did not affect him in his character as a gentleman, and whether a gentleman after making such observations as Dr. S. could make this distinction, and shelter himself under this plea, and they were unanimously of opinion that Dr. S. was liable to make reparation, inasmuch, as Mr. Prior's character suffered in the estimation of gentlemen in town, who did not understand such subtle distinctions.—Having again waited on the Doctor, he answered, that he could not help the opinions of these gentlemen, said he meant no reflection on his character as a gentleman—considered the race unfair,—and here I told him that Mr. P. said this assertion was a falsehood.—no answer was given to this, further than Dr. S. saying, if Mr. P. persisted in calling him to account, he would take such steps as the law allowed to prevent any meeting.

EDWIN COURTENAY CRUTTENDEN.

I do hereby certify, that on Friday the 19th Novr. I met Messrs. Thompson, Prior and Yarker, in Church Street, the former reading a paper, which was afterwards handed to me, and which purported to be a statement of some interviews that occurred between Dr. Sampson and Mr. Cruttenden.

Kingston, 11th Dec. 1830. THOS. HANDCOCK.

Now, I do confess, I was not a little astonished on reading this swaggering declaration of Mr. Cruttenden, after the very mild and affable tenor of his conduct in person towards me; and I wrote a note to Mr. Briscoe on the subject, whose reply is as follows.

Kingston, 2nd December, 1830.

DEAR SIR,

In answer to your note of this day, "requesting me to detail a conversation I was witness to, by your desire, between Mr. Cruttenden and yourself, on the afternoon of the 19th ult;" and asking, "whether I heard the term *falsehood* conveyed to you by the for-

mer." I have to state, that I was present during the whole of the interview to which you allude, that Mr. Cruttenden commenced by telling you "he had just taken the opinion of three gentlemen, namely, Mr. Thompson, Mr. M'Farlane, and Mr. Gray, whether in having declared your opinion that the race lately rode by Mr. Prior was an *unfair one*, the characters of gentleman and jockey could be separated;" and that these gentlemen were of opinion, that such destinction could not be made in this case." To this you replied, "that you could not help the opinions of others on the point," "that it was the opinion of the friends you had consulted, that you had in common with all spectators at a public race ground, an unquestionable right to state what you had seen, without being accountable to individuals, provided you stated truth." I reiterated the same opinion to Mr. Cruttenden, adding, that "I was in possession of the merits of the case, as well as the opinion of several gentlemen who had been consulted in common with myself." But I declare that the term *falsehood*, or any other offensive or uncourteous expression, was not conveyed to you by Mr. Cruttenden, and that Mr. Cruttenden on retiring said, "he regretted having any thing to do in the business." After he withdrew, I could not help remarking to you, "how mild and even conciliating his demeanor had been."

I remain Dear Sir,
Faithfully yours,
HENRY BRISCOE.

To
James Sampson, Esq.

As Mr. Cruttenden declared that Messrs. Thomson, Gray, and Macfarlane, were the three Gentlemen whom he had consulted, and "who were unanimously of opinion that Dr. S. was liable to make reparation" to Mr. Prior, &c.; I addressed them separately by note, to which the subjoined answers were returned,

Kingston, Dec. 15, 1830.

Sir,

In reply to your note of this morning I beg to state, that on or about the 19th of November last, Mr. Cruttenden met me in the street, and said, he wished to ascertain my opinion on a certain point, namely "whether any disrespectful remarks made on an individual in his capacity as a *Rider* did not affect his character as a *gentleman*; and whether the author of such remarks could with propriety refuse to make reparation to the person who conceived himself injured." I immediately replied, that I could not perceive the distinction; as, in my opinion, disrespectful words said of a rider might affect his character as a gentleman, in the estimation of the public.

I think Mr. Cruttenden did not mention the names of the parties concerned—certainly not the cause of offence Neither did I consult with any person, relative to the subject, before or after expressing my opinion.

I am, Sir,
Your obedient Servant,
H C. THOMSON.

James Sampson, Esquire.

Sir,

In answer to your note of this day requesting to be informed whether I was consulted by Mr. Cruttenden on a point in question between you and Mr. Prior, I am to state, that Mr Cruttenden asked me one day in the street, in a very cursory manner, something touching the matter, and I recollect saying to him in reply, that I thought it too nice a point to define in a moment, and that Newmarket is the place to decide such questions. I did not say that Doctor Sampson was liable to make reparation to Mr. Prior on any point, as I knew not the circumstance of the case.

I am, Sir,
Your most obedient,
&c. &c. &c,
W. H. GRAY.

To Doctor Sampson, &c. &c. &c.
20th December, 1830.

Kingston, 15th December, 1830.

Sir,—In answer to your note of this morning, I beg to say, that I recollect Mr. Cruttenden, asking me one day on the street, whether I considered any reflections made on Mr. Prior, as a rider, would affect his character as a gentleman—to which I answered in the affirmative, stating that I did not understand such nice distinctions, or something to that effect. This was all that passed on the occasion. There was nothing said about your liability to make reparation to Mr. Prior—nor do I recollect that your name was even mentioned,

I am Sir,

Your very obedient Servant

JAS. MACFARLANE.

Dr. Sampson, &c. &c.,&c.

So much for the *unanimous* opinion of three Gentlemen, that Doctor Sampson could not shelter himself under the plea of right to express his opinion about the *unfairness* of a race, but was liable to make reparation to Mr. Prior for the same. So much for the grounds of the opinion which I had declared; and so much for the merits of Mr. Edwin Courtenay Cruttenden's declaration—that in consequence of all this, he told me to my beard I had related a *falsehood*!!!

Whether Mr. Cruttenden had really been deputed by his principal to convey such an *unmodern* sort of message to me or not, it is not for me to say, much less, to care. However, it would seem that Mr. C. in the genuine spirit of *ancient* chivalry, did very soon recollect that he had omitted a most important part of his duty as a faithful *Herald*, in not having proclaimed the *defiance* and the *lie* together; and so he retires to his *peaceful* chamber, and immediately issues, for the gratification of his party, this ultra-courageous bulletin of his exploits. Why these exploits were only performed on a sheet of *foolscap*, I shall leave to his own sensations to explain.

Although this manifesto has eventually come to my view, I cannot think that it was ever written with an intention that I should see it. Three weeks had elapsed, before any of my immediate friends or myself, had the slightest knowledge of its existence; which was discovered only by accident. However, only four hours had passed after its production, when Mr. Cruttenden did take his seat as Steward to judge, and as Secretary to take notes of evidence, in a cause which he had thus so violently prejudged; and forsooth, to see impartial justice done in an affair, wherein he himself, according to *his own* account, had been so very active a performer. *His* reputation, as well as that of his friend, both awaited the issue of *his own* decision; for on *his own* part he stood pledged for the truth of his accusation against me; while, as related to Mr. Prior, it had been *carefully* ascertained, that in *his* person, the characters of "*Gentleman*" and "*Jockey*" stood

in such inseparable relation, that both must rise or fall together. So much for Mr. Cruttenden's rare qualifications for judicial honors!!!

Before concluding this disagreeable and vexatious subject, I must declare, that it is not for the paltry gratification of vilifying Mr. Cruttenden, that I have thus long detained his name before the public. A justification of my own conduct, which he has so unceremoniously impugned, has compelled me to do so. His *private* opinion of me, be it good or bad, could be of no possible concern to me; but he has given utterance to a document, proclaiming me the author of a *falsehood*; which document might possibly survive long after the name appended to it would otherwise be forgotten. It has been therefore, with this feeling alone, that I am thus induced to record in juxta-position the said accusation, the foundation on which it rests, and the merits of the document.

As for Mr. Pilar, he must be well aware, that in what I honestly declared of the race, I could have been actuated by no hostile feeling towards him. He was never my associate; nay, was one of the persons most unlikely, that I ever could have come in collision with. If, then, I have in self-justification, been driven to unfold truths involving his reputation, as a rider or otherwise, let him look for reparation to the injudicious friend who has compelled the disclosure. I do not, nor did I ever, owe him any.

JAMES SAMPSON.

Kingston, December 15, 1830.

The manuscript of the above has been in our hands for publication for a whole fortnight, and we have to apologise for the delay which has occurred through the sickness of Journeymen.

PATRIOT OFFICE.

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